



# UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,520	12/22/2000	Aman Gupta	GMES8081.045	4205

27061 7590 08/26/2005

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)  
14135 NORTH CEDARBURG ROAD  
MEQUON, WI 53097

EXAMINER
----------

LE, UYEN T

ART UNIT	PAPER NUMBER
----------	--------------

2163

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/748,520	<b>Applicant(s)</b> GUPTA ET AL.	
	<b>Examiner</b> Uyen T. Le	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

*Handwritten mark*

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments regarding the affidavit filed on 30 January 2004 under 37 CFR 1.131 have been considered but they are not persuasive.

Applicant argues that "any accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself". However, satisfactory evidence of the fact is required as admitted by applicant. In the instant application, no satisfactory evidence of the fact has been shown. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Christensen reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). There is no complete disclosure to another of the claimed "counting a number of days between a current date and the date when the product will be ready for shipment to create a number of days before the product is available and displaying a listing of each product and when the product is available".

For all the reasons stated above, rejection of claims 1-35 is maintained using the Christensen reference of record.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al (US 2002/0156694) of record.

Regarding claim 1, Christensen discloses a method for displaying real-time status of product availability (see the abstract). The claimed “automatically querying...otherwise” is met by the fact that the method of Christensen monitors the actual progress of the assembly of a product (see 0045). The claimed “for each product...is available” and “displaying a listing...availability management” are met by the fact that the method of Christensen status of the inventory is supervised via the inventory database (see 0046-0056). Note also that the “counting a number of days to create a number of days before the product is available” does not in anyway affect the final operation of “displaying a listing of each product and when the product is available for shipment”.

Regarding claim 2, Christensen discloses querying the database for a number of orders, product category and sales revenue, adding and displaying as claimed (see 0044).

Regarding claim 3, the claimed “displaying the number of days until the product is available for shipment” is met when Christensen discloses that actual progress of the assembly of a product is monitored (see 0045-0056).

Regarding claim 4, the claimed “creating a plurality...is available” is met when Christensen shows the production/assembly/shipping module (see Figure 4).

Claims 5, 6 merely read on the fact that a product changes to “ready for shipment” in the logistics system via a user interface upon completion (see 0045).

Claim 7 merely reads on the fact that the method of Christensen monitors the actual progress of the product assembly (see 0045).

Regarding claim 22, Christensen discloses displaying when the product is available to customers when Christensen shows customer tracking of the shipment (see 0046).

Claim 23 merely differs from claim 1 by adding the orders, product category and sales revenue. Christensen discloses all the claimed limitations (see 0044-0056).

Regarding claim 24, Christensen discloses the display categories includes a product status (see 0045).

Regarding claim 25, Christensen discloses automatically querying in real time when Christensen shows continuously or periodically supervising the actual inventory (see 0046).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2163

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-21, 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al (US 2002/0156694) of record, in view of Parad (US 5,369,570) of record.

Claims 8, 16 essentially recite a computer program product and signal for claim 1 with the added limitations of using temporary tables to store the number of days, accessing and updating the temporary tables. Although Christensen does not specifically show the use of temporary tables, it is well known in the art to use temporary tables for storing data during a continuous scheduling process as shown by Parad (see Figure 7, column 6, lines 20-22). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed features while implementing the computer program product of Christensen in order to maintain continuous update as actual progress is being monitored.

Claim 9 is met when Christensen shows planning and assembly schedule (see Figure 1).

Claims 10, 11, 12, 13 recite the same limitations of claims 2, 4, 5, 6 thus are rejected for the same reasons discussed in claims 2, 4, 5, 6 above.

Claims 14, 15 are met when Christensen shows querying the inventory system (see 0053).

Claim 17, 18, 21 recite the same limitations of claims 9, 12, 15, thus are rejected for the same reasons stated in claims 9, 12, 15 above.

Regarding claims 19, 20, since users' requirements vary, it would have been obvious to one of ordinary skill in the art to include the claimed intervals depending on users' application.

Claims 26, 30 correspond respectively to a method and system of claim 8, thus are rejected for the same reasons stated in claim 8 above.

Regarding claim 27, clearly the temporary tables are updated following a change since they store actual progress monitored continuously.

Regarding claim 28, Christensen teaches the concept of automatically querying the database for orders, inventory and revenue (see 0044, 0045, 0046).

Regarding claim 29, Christensen discloses that the regular time can be adjusted when Christensen shows continuously or periodically monitoring the system (see 0046).

Claim 31 merely recites a database for the limitations of claim 1, lines 7-9. Clearly the information has to be stored in the system of Christensen for querying purpose.

Regarding claim 32, the claimed actual shipping date has to be included in the shipping system of Christensen (see Figure 1, item 129).

Regarding claim 33, the claimed "displaying the number of days until the product is available for shipment" is met when Christensen discloses that actual progress of the assembly of a product is monitored (see 0045-0056).

Regarding claim 34, Christensen discloses an Intranet server for providing results to internal users (see 0051).

Regarding claim 35, Christensen discloses an Internet server for providing results to customers and potential customers (see Figure 1).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

22 August 2005



**UYEN LE**  
**PRIMARY EXAMINER**